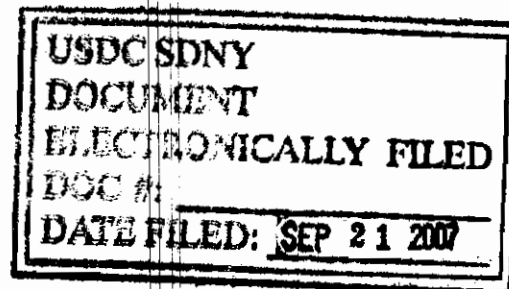


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----x  
KRISTEN BURKE,

Plaintiff,

-against-

DANIEL RODRIGUEZ,

Defendant.  
-----x

07 CV 3732 (GBD)

ORDER

GEORGE B. DANIELS, District Judge:

Defendant's motion, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss the Amended Complaint for failure to state a legally cognizable claim is granted.

Plaintiff's cross-motion to further amend the complaint is denied. Plaintiff's motion for discovery is also denied.

Dated: New York, New York  
September 20, 2007

SO ORDERED:

A handwritten signature in cursive script that reads "George B. Daniels".

GEORGE B. DANIELS  
United States District Judge